## REMARKS

Claims 1-12 are pending. By this Response, claims 1 and 8 are amended and a new title is added. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

## Title

The Office Action requires a new title. In response, applicants have changed the title to "A Communication System and Method Using a Master Node Designated Based on Transmission Qualities Between Nodes." Applicants respectfully submit that the new title is more descriptive of the invention.

## Prior Art Rejections

The Office Action rejects claims 1, 2, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by Mizuguchi, et al. (US 6,310,885) and claims 3-5, 7 and 10-12 under 35 U.S.C. §103(a) as being unpatentable over Mizuguchi in view of Basani, et al (US 6,718,361). These rejections are respectfully traversed.

### Mizuguchi

Mizuguchi teaches a network system that includes a master node and slave node connected in a loop. Sub-loops are formed in which the master node, a sub-master node and a slave node are connected in a loop. Each node performs analysis of a token packet and controls a switch that either outputs,

transmits or discards the token packet. See abstract and column 4 through column 5.

The Office Action alleges that Mizuguchi teaches the designation of a master node based on transmission qualities between nodes, which designated other nodes as slave nodes, as taught in an embodiment of the present invention. The Office Action alleges that Fig. 10, column 7, lines 1-37 of Mizuguchi provides this teaching.

Applicants respectfully submit that Mizuguchi does not teach designating a master node based on a transmission quality of all nodes. At column 4, lines 19-38 and in Fig. 1, Mizuguchi discloses a loop-type network where a master node 101 and slave nodes 102, 104, 106 are designated beforehand. This designation cannot be based on transmission qualities of the nodes since it is accomplished prior to communication occurring between the nodes. Further, column 7, lines 1-37 merely discloses a master node/slave node relationship and the use of sub-master nodes and slaves, but does not teach that the master node is selected based on a transmission quality among the nodes.

Thus, Mizuguchi fails to teach or suggest:

a designation step of designating one of said nodes as a master node based on transmission qualities among the nodes, designating other nodes as slave nodes, as recited in claim 1;

designating a node as a master node based on transmission qualities between nodes, designating other nodes as slave nodes, as recited in claim 3;

one master node selected from among said nodes based on transmission qualities among said nodes, as recited in claim 8;

a master designation step of designating a node that becomes best in transmission quality between said node and other nodes, from among all nodes, as a master node, as recited in claim 7;

if its own node is designated as a master node logically star connected to other nodes and if there exists such a node that would become best in transmission quality when logical star connections whether the nodes were conducted in response to connection of a new node or a change of a communication state, then said processing unit conducts processing of ordering alteration of said node to a master node in transferring communication parameters among all nodes currently held to the master node after alternation, as recited in claim 10; and

the master node that is selected from among all nodes and that is best in transmission quality with respect to other nodes, as recited in claim 12.

Also, the embodiments recited in claims 7, 10 and 12 further describe the designation of a master node based on the best transmission qualities among the nodes. As argued above, Mizuguchi fails to teach the designation of a master node based on the transmission qualities among the nodes, let alone the best transmission qualities among the nodes.

12

Basani

The Office Action provides Basani to teach the feature of a sub-master designation step of designating, for each of said grouped node groups, a node having best transmission qualities with respect to other nodes in its own node group and said master node, as a sub-master node, as recited in claim 7 and a sub-master node, for each of node groups grouped as node groups having favorable transmission qualities, having best transmission qualities with respect to other nodes in its own node group and said master node, said sub-master node being logically star connected to said master node and slave nodes logically star connected in each node group to said sub-master node, as recited in claim 12.

Basani, to the contrary, teaches a system that controls and distributes data files, applications or data objects in large scale distributed networks. The Office action alleges that column 5, lines 32-55 and column 6, lines 19-35 provide the teachings of the claimed features. This section of Basani, however, teaches that within the system a control manager issues assignments to system components for creating or deleting remote server directories and files and for distributing changed content from a staging server. Remote servers are divided into "content groups". A group leader is provided for the content groups that obtains and processes reports from a back end server. The group leader is

elected by its members "according to real time and administration selection criteria." See column 6, lines 24-25.

As taught in Basani, a group leader for a content group of remote servers is selected based on "real time and administration selection criteria." The group leader is not selected based upon it having the best transmission qualities with respect to other servers. It is selected based on an election of its group members, not on transmission qualities.

## Conclusion

In view of the above, applicants respectfully submit that Mizuguchi alone or in combination with Basani fail to teach each and every feature of the claimed invention as recited in independent claims 1, 3, 7, 8, 10 and 12 as required. Furthermore, dependent claims 2, 4-6, 9 and 11 are likewise distinguishable over the applied art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

For at least these reasons, it is respectfully submitted that claims 1-12 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By_____
Michael R. Cammarata
Reg. No. 39,491

P.O. Box 747
MRC/CJB:cb                      Falls Church, VA 22040-0747
2611-0169P                      (703) 205-8000

Attachment(s)